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EAST TIMOR

Testimony by Asia Watch
Sidney Jones, Executive Director
before the Senate Foreign Relations Committee
February 27, 1992

My name is Sidney Jones. I am the Executive Director of Asia Watch and an Indonesia specialist by background. I have been to Indonesia every year for the last 15 years, I speak the language fluently, and I have a deep affection for the country -- which I am now banned from entering.

I recently returned from a four-day visit to East Timor. The intention was not to conduct a human rights fact-finding mission, as the Indonesian government did not grant me permission to go there officially. I got on a plane, as anyone can, and went as a tourist to look at the place on which I have written human rights reports for years.

East Timor was open when I went at the beginning of February. As of yesterday, the Department of Information announced that no permission would be given to foreign journalists or

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Indonesian nationals working for foreign news agencies to work inside East Timor for the foreseeable future.

I had no difficulty getting in or out. But from the moment my colleague and I arrived in Dili, we were photographed and followed. The surveillance continued when we returned to Jakarta and ended only when uniformed officials took me out of passport control at the airport as I was leaving to return to New York and informed me I was blacklisted and would not be permitted to return.

Although we were not in a position to do extensive interviewing, we were able to learn a fair amount from conversations with clergy and others in East Timor, from talks with East Timorese and lawyers in Jakarta, and from the Indonesian press. Based on those sources, I would like to stress three points:

--First, despite all the steps, indeed unprecedented, that President Suharto has taken to respond to international outrage over the Dili massacre, none of the fundamental questions about the massacre has been answered. We acknowledge that Indonesia's establishment of the National Commission of Inquiry was an important recognition of the need to address human rights abuses. We do not believe that the Commission report effectively addressed any of the outstanding issues.[1]

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[1] For a detailed critique of the report, see Asia Watch, "Asia Watch Criticizes Commission Report on East Timor," January 3, 1992. We cite five main flaws: too much reliance on military sources, no assessment of military behavior; poor use of exhumation as an investigative tool; insufficient efforts to

Today the Honorary Military Council announced that of the six officers under investigation since they were removed from their positions in late December [2], all had been disciplined, although it is not clear whether they were formally brought before a military court. Three had been dismissed from the armed forces, two had been removed from positions within the army structure but remain on active duty, and one would be transferred. Eight others, four officers and four soldiers, will be brought before a military court for "violations of military discipline which approached criminal offenses." And five others are under investigation.

These steps are unquestionably welcome. But the fact remains that only 19 bodies of the much larger number of demonstrators killed by Indonesian troops have been found, and exactly what happened to the dead and missing remains a mystery.

--A second point is that President Suharto took the steps he did after the Dili massacre **only** because of international pressure. The East Timor massacre was not an aberration; similar massacres took place in Jakarta in 1984 and in south Sumatra in 1989, not to mention the hundreds and perhaps thousands of civilians killed in the special region of Aceh, on the northern

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assess what happened to the others killed, and the ambiguous statement on prosecutions.

[2] Maj.General Sintong Panjaitan of KODAM IX Udayana; Brig. General Warouw, Pangkolakops; Col. J. Sepang of Korem 184; Col. Gatot Purwanto, Assistant to the Operational Command for Intelligence; Col. Dolfi Rondonuwu, Assistant for Operations; Col.Binsar Aruan, Assistant for Social and Political Affairs; and Col. Suwito, Assistant for Territorial Operations.

tip of Sumatra, between 1989 and the present. But there was no international outcry and therefore no pressure to investigate or halt abuses. The Indonesian response to the killings on November 12 proves that pressure works.

--Finally, while the measures taken by President Suharto, widely praised abroad, appear to have had a major impact on the balance of power in Jakarta, they have had no visible impact on the human rights situation in East Timor. The unchecked power of the military is palpable from the moment you set foot in Dili, from the sheer saturation of the place by soldiers to the fear that registers the moment you start talking with anyone to the fact that officers occupy almost all the choice houses along the waterfront. In one neighborhood we visited, every night around midnight, from November 12 through December, soldiers would come in by trucks and make the rounds of every house, banging the door with a piece of wood to wake up the residents and do a head count. These checks continue to the present, though not every night. For the first week after the massacre, all schools and most shops in Dili were closed, as people were too terrified to go out on the streets. In one school we visited, attendance still was not back to normal. In one restaurant in Dili, a waiter came up to us and said he would like to talk, but would get in trouble if he did so, and that while it was possible to exchange words in the restaurant, anyone who tried to talk to a foreigner on the streets would be immediately questioned. If this was the situation in early February, imagine what it must have been like

immediately after November 12.

EXECUTIONS AFTER NOVEMBER 12

The fear has implications for the ability to gather evidence on human rights abuses. After the initial shooting on November 12, additional executions were reported of four kinds:

-- "finishing off" of the wounded by soldiers at the site of the cemetery within hours of the massacre;

-- killing of those who tried to flee Dili that day or night and were stopped at checkpoints;

-- killing, including by denial of medical care, that may have occurred at the military hospital R.S. Wirahusada where no one had access to the wounded for more than a week;

-- and finally, execution of witnesses to disposal of bodies.

We were able to confirm the first kind of killings. We talked with one member of the clergy who had gone to the scene of the massacre at 9 a.m., one hour after the shooting to look for missing seminarians. He saw one severely wounded young man being roughly dragged by the legs along the ground to a truck piled with corpses. A soldier kicked and beat the man until he stopped moving, then threw him on the truck. When the priest tried to intervene, one soldier said, "But father, these are just Communists." The same priest saw other bodies, some still moving, buried under corpses and told us that if they had not died from their wounds, they would have surely suffocated in the truck.

The second, third and fourth kinds of reported killings have

not been proven by hard data, but under the circumstances prevailing in Dili, such proof would be nearly impossible to obtain.

A few points are worth noting here. The National Commission report itself noted that some 90 people were missing more than six weeks after the massacre. What happened to them? Ninety people do not usually disappear without a trace, but soldiers had every reason to believe they could act with impunity. No disciplinary measures were taken against individual members of the security forces in the first weeks after the shooting. On the contrary, the initial official version of the killings was that Fretilin had staged a violent demonstration involving the killing, later amended to wounding, of two soldiers. As remarks of army commanders in Jakarta make clear, there was no sense of remorse for what happened. Instead, the overwhelming sentiment within the army seemed to be a determination to wreak vengeance on those who took part in the demonstration. If a few people disappeared trying to flee Dili to avoid arrest, who was going to ask questions?

None of the wounded was allowed to receive treatment at the civilian hospital after the massacre; those who sought entry there were transferred to the military hospital by trucks. No one but military personnel knew for sure how many people were at that hospital; no one but military personnel and hospital workers were allowed in to see them during those first critical days after the shootings. There are reports of people being taken by trucks from

the hospital morgue up to the night of November 15. What efforts were made by the National Commission of Inquiry or the Honorary Military Council to interview hospital workers in confidence, and what convincing guarantees could they give that these workers would be protected against reprisals?

Finally, there is the persistent report of a family having been executed after witnessing the dumping of bodies near Tibar. Asia Watch mentioned their names in a December 12 report, noting that it could not confirm the allegation. The story was repeated to us when we were in Dili, and we understand that the report was given to the National Commission as well. What efforts were made to interview other residents of that neighborhood about the current whereabouts of the family? Given the fear of saying anything against the army, what assurances could be given to such residents that they could safely give evidence?

I was skeptical of accounts of post-massacre killings before going to East Timor. I am much more inclined to believe them now. In a place where the only checks on the military are a relatively powerless governor and a beleaguered Catholic church, where fear prevented many witnesses from giving testimony to the National Commission of Inquiry and still prevents ordinary conversations on the street, I began to understand why we were not getting proof.

ARRESTS AND TRIALS SINCE NOVEMBER 12

Arrests did not stop with the November massacre. Just before

Christmas, one priest working in a seminary in Fatumaca had been planning to drive to Dili in a truck, and offered to take about 30 boys from school who wanted to go home for the holidays. They left about 4 a.m. and were stopped at a checkpoint just outside Baucau. The soldiers did a thorough search of the students and found knives and some notebooks with anti-Indonesian slogans. Five boys were arrested and spent Christmas in detention in Baucau where they were reportedly beaten and forced to say that the priest had put them up to carrying weapons. They were detained for about a week but still must report regularly to police. The boys apologized to the priest after they were released, saying they had no choice but to implicate him.

This may be part of a broader effort to intimidate the church leadership. In January, a former Fretilin fighter named Afonso Rangel who served three years in prison, testified that he had asked a woman employed at the regional military command to steal certain intelligence reports which he then gave to Bishop Belo, the outspoken Bishop of Dili, to smuggle out to resistance supporters in Australia. According to the press, his testimony in court contradicted his original interrogation deposition. At least one person named in the testimony, whom Asia Watch interviewed, said key elements of it were just not true. There is concern that Rangel may have been put up to accusing the Bishop as a kind of warning to the church. The Indonesian press also commented that this case may have been used as a way to test public reaction in Dili before proceeding with the much more

explosive trials relating to the November 12 demonstration.

These trials are critically important. Subversion trials are due to start in Dili and Jakarta of four East Timorese pro-independence activists who are accused either of masterminding the demonstration or taking part in a peaceful protest of East Timorese students in Jakarta one week later. They are the first East Timorese ever to be charged with subversion, an offense which carries the death penalty, although that penalty is unlikely to be imposed. Nine others are expected to be tried on the broad charge of "spreading hatred" which carries a 7-year sentence. The Indonesian government has said it will free 43 others detained for the last three months because it had insufficient evidence to prosecute. As of today, however, they remain in police custody.

The two on trial in Dili are Gregorio da Cunha Saldanha, 29, and Francisco Miranda Branco, 41. The government claims it has a 600-page dossier against Saldanha, an employee of the governor's office. Joao Freitas Camara and Fernando Araujo are the two on trial in Jakarta. Both have been kept in solitary confinement since their arrest. For the first month of detention, Joao was allowed no change of clothes and no access to friends, family or his lawyer. He and Fernando continue to have restricted access to friends and lawyers.

There is concern that information extracted under duress will be used to build a case against these and other detainees. All were interrogated by the military without lawyers present,

and there are credible reports that many of those in Dili were tortured. Firsthand accounts have reached us that East Timorese detained the day of the massacre were beaten or tortured and then released. There is no reason to believe that those kept in detention for further interrogation enjoyed better treatment.

Other arrests that have taken place since the massacre indicate that the underlying problems remain unsolved. On February 2, what the Indonesian press described as a brawl, broke out between two groups of young people in a market area of Dili. The press described it as a fight between youths of rival villages which erupted when one group began staring at the other. In fact, the incident appears to have been similar to the October 28 clash at the Motael Church in Dili when pro-government, army-backed men on motorcycles provoked a confrontation with pro-independence youth, and one from each side was killed. In this later case, one person was killed and four youths were detained.

A number of East Timorese were arrested prior to the February 8 visit to Dili of Amos Wako, the special envoy of UN Secretary General Boutros Ghali. The new East Timor commander confirmed to the Indonesian press that the arrests were made because the army feared that pro-independence supporters were planning a new demonstration.[3] Still, other arrests of East Timorese took place in connection with a welcoming reception planned for a Portuguese "peace ship" now anchored in Darwin, Australia.

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[3] Editor, February 22, 1992.

The tension between military and citizens in East Timor clearly remains high.

HOW CAN THE U.S. HELP?

1. International Military Education and Training (IMET) and Economic Support Fund (ESF) assistance to Indonesia should be suspended until the US is satisfied that there has been a full accounting for all of those killed and missing after the November 12 massacre in Dili and that soldiers responsible have been prosecuted for murder. There is no indication whatsoever that IMET aid has contributed to the professionalism and humanitarian values of the Indonesian army, as the State Department asserts. Let me stress again: the Dili massacre was not an aberration. Look at the attention given to Aceh in the latest State Department country report. The question is not what training officers receive here, but what they do with it when they return. There is no indication that officers trained here are any less willing to condone abusive behavior than other officers.

Indonesia only receives a small amount of IMET and ESF aid. The impact of a cut-off, if it were to come to that, would be primarily symbolic. However, we strongly believe in the importance and effectiveness of symbolic gestures. I might add that I emphatically disagree with the approach suggested by the General Accounting Office (GAO) fact-sheet on the Dili massacre released last week, to amend the Foreign Assistance Act to allow

training of the Indonesian national police in crowd control.[4] These police are part of the armed forces, who are responsible for torture on a routine and systematic basis. Their role in practice is to get information from suspects by any means possible and to administer summary punishment as they see fit. To give them any additional training with US funds as long as the structure in which they operate remains unchanged would be utterly irresponsible.

Furthermore, the GAO report implies that because officers known to have been directly involved in the East Timor shooting did not receive IMET training and that many of those involved in the investigation did receive such training, that there is something salutary about the training. A more worthwhile study would be to take the list of all Indonesian officers who have received IMET training over the last decade and determine how many, since completing their training, have occupied positions of command responsibility in situations where severe human rights abuses were committed.

The provisions of IMET and ESF, in summary, should be made contingent on:

-- a full and credible accounting by the Indonesian government of what happened to the bodies carted away by army truck from the scene of the shooting and from the military hospital;

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[4] United States General Accounting Office, "Security Assistance: Shooting Incident in East Timor, Indonesia," February 1992 GAO/NSIAD-92-132FS.

-- criminal prosecutions for murders of soldiers and officers involved in the massacre and deliberate killings of the wounded afterwards; and

-- the initiation of an investigation by the government into military abuses in Aceh, a full and credible accounting of what happened to the known disappearance cases there, and a halt to the current army practice of summarily executing suspected guerrillas rather than taking them into custody.[5]

2. Our embassy in Jakarta should send observers periodically to the trials in Jakarta and Dili, to send the message that the US is carefully monitoring the follow-up to the massacre. If and when courts-martial start, a civilian member of the embassy should seek to attend those as well. I understand that an embassy representative occasionally attended the political trial of General Dharsono in 1985, so there is a precedent for this. Congress could request a detailed report from the embassy on the trials, the nature of the evidence produced in court, who attended as spectators and how the trials were conducted. The administration should press the Indonesian government to allow foreign journalists and international human rights organizations access to the trials.

3. Our embassy in Jakarta should coordinate with other concerned diplomatic missions to ensure that there is a fairly constant round of diplomatic visitors to East Timor attending the

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[5] See attached report, Asia Watch, February 17, 1992, "Commission of Inquiry Needed on Aceh."

trials and visiting parish priests in Bobonaro, Suai, Ermera, Fatumaca and Dili, among other places. Visitors should try to get a sense from those affected by surveillance and control measures used by the Indonesian army.

4. At the United Nations Commission of Human Rights meeting in Geneva, which Assistant Secretary Richard Schifter just attended, the US should back any responsible resolution condemning human rights abuses by Indonesian security forces in East Timor, Aceh and elsewhere.

5. The Indonesian government should be strongly encouraged to take other measures, such as:

-- ensuring that all commanders down to the KODIM (district) level receive training in human rights and humanitarian law from non-governmental organizations;

-- allowing access to Indonesia and East Timor by non-governmental human rights organizations such as Asia Watch, Amnesty International and the International Commission of Jurists;

-- inviting members of the United Nations Working Group on Enforced or Involuntary Disappearances to Indonesia and East Timor to discuss the problem of disappearances and what steps should be taken to search for the missing and prevent such abuses in the future;

-- repealing the broadly worded Anti-Subversion Law under which hundreds of people have been arrested for peaceful political or religious activities; and

-- ensuring that all military command posts, from the subdistrict level on up, keep records of detainees. Those records should be regularly transmitted to a central register which can be checked by families, lawyers and others concerned about the fate of detainees.